

REMARKS

Claims 1-34 and 36-58 are pending in the application. Claim 1 has been amended. Support for the amendment to the claims is found throughout the specification as originally filed. More particularly, support for claim 1 is found, *inter alia*, at page 18, lines 11-12. No new matter has been introduced with the foregoing amendment. Applicants respectfully request reconsideration.

Rejection Under 35 U.S.C. § 112, First Paragraph

Claims 1-34, 36-49 and 55-58 have been rejected under 36 U.S.C. § 112, first paragraph, for alleged indefiniteness. According to the Office Action, there is no indication in the final step that the cells isolated are chimeric and meet the limitation recited in the preamble. To the extent the rejection is applicable to the amended set of claims, Applicants respectfully traverse the rejection.

Applicants have amended claim 1 to clarify that, in the final step, the cells which are isolated have the nuclear material of one species and the mitochondria of a second different species. Further method steps do not alter this outcome. In view of the amendment to the claim, Applicants contend that the rejection is rendered moot. As such, Applicants respectfully request that the rejection under 35 U.S.C. § 112, first paragraph, be withdrawn.

Rejection Under 35 U.S.C. § 102(b)

Claims 27-34, 36 and 50-54 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by PCT Publication No. WO 98/07841 ("Robl *et al.*"). According to the Office Action, the present application does not provide any new or unique methodology which would distinguish it from that previously described. In response, Applicants respectfully traverse the rejection.

The present application claims benefit in part to U.S. Serial No. 08/699,040, filed on August 19, 1996. Robl *et al.* claim benefit to the same publication, U.S. Serial No. 08/699,040. Thus, Applicants contend that the rejection is obviated, and respectfully request that the rejection under 35 U.S.C. § 102(b) be withdrawn.

Rejection Under 35 U.S.C. § 103(a)

Claims 1-34 and 36-58 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Robl *et al.* in view of Kenyon *et al.*, PNAS, 94:9131-9135, 1997 ("Kenyon *et al.*"). Applicants respectfully traverse the rejection under 35 U.S.C. § 103(a).

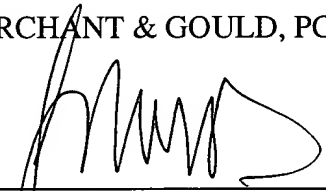
The present application claims benefit in part to U.S. Serial No. 08/699,040, filed on August 19, 1996. Robl *et al.* claim benefit to the same publication, U.S. Serial No. 08/699,040. Thus, Applicants contend that the rejection is obviated, and respectfully request that the rejection under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

In view of the foregoing, the Applicants believe that all claims as currently pending are in condition for allowance and such action is respectfully requested. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD, PC



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